

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JULIE CARTER,	)	
	)	
Plaintiff,	)	4:08CV3085
	)	
V.	)	
	)	
STEPHEN BAILEY and KEITH	)	<b>ORDER</b>
YARBROUGH,	)	
	)	
Defendants.	)	
_____	)	

The Clerk entered default against Defendant Stephen Bailey in this matter on January 8, 2009 ([filing 19](#)). The Clerk's Entry of Default incorrectly states that default was entered by reason of Defendant Bailey's failure to answer or otherwise respond to the complaint. However, default was supposed to be entered in accordance with Magistrate Judge Piester's January 8, 2009, Memorandum and Order ([filing 18](#)) in which he ordered default based on Defendant Bailey's failure to comply with the court's "meet and confer" requirement. See [Fed. R. Civ. P. 26\(f\)](#). Accordingly, the Clerk's Entry of Default ([filing 19](#)) shall be stricken.

IT IS ORDERED:

1. The Clerk's Entry of Default ([filing 19](#)) is hereby stricken;
2. The court will consider Plaintiff's Motion for Default Judgment ([filing 20](#)) in accordance with the Memorandum and Order ([filing 22](#)) issued in this case on March 10, 2009.

March 12, 2009.

BY THE COURT:  
*s/Richard G. Kopf*  
United States District Judge